

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	Case No. 2:18-cv-00132
Plaintiff,	)	
	)	
v.	)	
	)	
ROBERT L. HOLSINGER, and	)	
TREASURER OF JEFFERSON COUNTY,	)	
	)	
Defendants.	)	
	)	

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**COMPLAINT**

The United States, pursuant to 26 U.S.C. § 7401, with the authorization of a delegate of the Secretary of the Treasury, and at the direction of a delegate of the Attorney General, brings this civil action to reduce to judgment unpaid federal income tax liabilities of Robert L. Holsinger and to enforce the federal tax liens that have attached to certain real property that is currently held in the name of Defendant Robert L. Holsinger.

For its Complaint, the United States alleges as follows:

**Jurisdiction and Parties**

1. Jurisdiction over this action arises under 28 U.S.C. §§ 1331, 1340, and 1345, and 26 U.S.C. §§ 7402(a) and 7403.
2. Venue is proper under 28 U.S.C. §§ 1391(b) and 1396.
3. Defendant Robert L. Holsinger (“Holsinger”) resides within the jurisdiction of this Court.

4. Defendant Treasurer of Jefferson County is named as a party pursuant to 26 U.S.C. § 7403(b) because it has or may claim an interest in the real property upon which the United States seeks to enforce its liens.

**COUNT I: To Collect Unpaid Federal Income Taxes**  
**(Defendant Robert L. Holsinger Only)**

5. The United States repeats and re-alleges paragraphs 1-4 above, as though fully set forth herein.
6. A delegate of the Secretary made the following income tax assessments against Holsinger, on the dates and in the amounts set forth below:

Tax Year	Assessment Date	Assessment Type	Assessed Amount	Balance Due as of 2/19/2018
2002	6/16/2008	Federal Income Tax	\$9,244.00	\$12,883.18
	6/16/2008	Estimated Tax Penalty	\$140.74	
	6/16/2008	Late Filing Penalty	\$1,060.88	
	6/16/2008	Interest	\$2,203.64	
	6/16/2008	Late Payment Penalty	\$1,178.75	
	9/29/2008	Collection Fee	\$8.00	
2003	6/16/2008	Federal Income Tax	\$9,216.00	\$11,166.77
	6/16/2008	Estimated Tax Penalty	\$94.20	
	6/16/2008	Late Filing Penalty	\$936.23	
	6/16/2008	Interest	\$1,634.27	
	6/16/2008	Late Payment Penalty	\$1,040.25	
2004	6/16/2008	Federal Income Tax	\$11,716.00	\$16,383.22
	6/16/2008	Estimated Tax Penalty	\$168.72	
	6/16/2008	Late Filing Penalty	\$1,440.68	
	6/16/2008	Interest	\$2,031.39	
	6/16/2008	Late Payment Penalty	\$1,248.58	
2005	6/23/2008	Federal Income Tax	\$54,151.00	\$48,701.58
	6/23/2008	Estimated Tax Penalty	\$661.70	
	6/23/2008	Late Filing Penalty	\$4,558.95	
	6/23/2008	Interest	\$4,483.81	
	6/23/2008	Late Payment Penalty	\$2,735.37	
<b>TOTAL</b>				<b>\$89,134.75</b>

7. A delegate of the Secretary duly gave Holsinger notice of the tax assessments and made a demand for payment of the balance due.

8. Despite such notice and demand, Holsinger has failed, neglected, or refused to pay in full the liabilities described in paragraph 6 above, and, after the application of all abatements, payments, and credits, as of February 19, 2018, he remains indebted to the United States for unpaid income taxes, and statutory accruals, including interest, in the total amount of \$89,134.75, plus such additional amounts as may continue to accrue as provided by law, including interest pursuant to 26 U.S.C. §§ 6601, 6621, and 6622, and 28 U.S.C. § 1961(c).

**COUNT II: Enforcement of Federal Tax Liens Against the Property  
(All Defendants)**

9. The United States repeats and re-alleges all paragraphs above, as though fully set forth herein.

10. The property upon which the United States is seeking to enforce its tax liens (“Property”) is located within the jurisdiction of this Court at 14903 State Route 152, Toronto, OH 43964, in Jefferson County, and is legally described as follows:

Situated in the Township of Knox, County of Jefferson and the State of Ohio; Known as and being part of the Northeast quarter of Section 20, Township 8 of Range 2, also Being part of a 5.8285 acre tract of Robert E. and Robert Christopher Jones as recorded in Volume 137, Page 954, Tract No. 1 of Official records and part of a 29.465 acre tract of Robert E. and Christopher Jones as recorded in Volume 137, Page 954, tract No. 2 of Official Record, said tract being more particularly described as follows:

Being at a 3/8” iron pin, with cap, set at the Northeast corner of said Jones 5.8285 acre tract and the Southeast corner of a 2.4055 acre tract of F. Allen as recorded in Volume 67, Page 610, of Official record and THE TRUE PLACE OF BEGINNING: Thence with the East line of said quarter section, South 0 degrees 37 minutes 38 seconds East 486.00 feet to a 3/8” iron pin, with cap, set; thence North 81 degrees 58 minutes 27 seconds West 631.47 feet to a 3/8 inch iron pin with cap set; thence North 27 degrees 14 minutes 25 seconds East 89.20 feet to a 3/8” iron pin, with cap, set; thence South 82 degrees 10 minutes 26 seconds East 661.25 feet to a 3/8” iron pin, with cap set; thence North 60 degrees 21 minutes 41 seconds East 127.39 feet to a 3/8 iron pin, with cap, set; thence North 6 degrees 17 minutes 52 seconds West 164.69 feet to a 3/8” iron pin, with

cap set; thence North 89 degrees 31 minutes 37 seconds West 59.16 feet to a 3/8 inch iron pin with cap, set thence North 7 degrees 25 minutes 07 seconds West 400.85 feet to a 3/8" iron pin, with cap, set on the North side of State Route 152 on the South side of a 2.924 acre tract of S.&M. Falls as recorded in Volume 185, Page 472 of Official Record; thence with said road and said Fall tract, South 52 degrees 00 minutes 00 seconds East 71.23 feet to a 3/8" iron pin with cap, set at the Northwest corner of said Allen tract; thence with the West line of said Allen tract, South 7 degrees 25 minutes 07 seconds East 300.11 feet to a ½" iron pin, with cap, set: thence with the South line of said Allen tract, South 89 degrees 31 minutes 37 seconds east 38.67 feet to a 3/8" iron pin, with cap, set; thence with the South line of said Allen tract, North 83 degrees 45 minutes 53 seconds East 405.56 feet to an iron pin and the TRUE PLACE OF BEGINNING, the herein described tract, containing 5.078 acres, more or less, 4.084 acres out of said 5.8285 acres and 0.994 acres out of said 39.465 acre tract, subject to all legal highways, easements or restrictions of record.

The basis of bearing was the east line of said quarter section and the bearing of south 0 deg., 37 min., 38 sec. east was taken from a survey by James Poder on August 4, 1979. Description for said tract on survey by Bonar Surveying, Registered Surveyor No. 7134, 9-28-1986.

11. By a document dated July 25, 2006, and recorded on July 25, 2006, with the Jefferson County Recorder's Office at Volume 763, Page 564, Clifford E. Hanle Sr., conveyed the Property to Robert Lee Holsinger.

12. Pursuant to 26 U.S.C. §§ 6321 and 6322, as a result of Holsinger's neglect, refusal or failure to pay the liabilities described in paragraph 6 above, after notice and demand, federal tax liens arose on the dates of the assessments and attached to all property and rights to property belonging to Defendant Robert L. Holsinger, including the Property.

13. On September 8, 2008, the Internal Revenue Service filed a Notice of Federal Tax Lien for the tax assessments made against Robert L. Holsinger for the tax years 2002, 2003, 2004, and 2005, in the Jefferson County Recorder's Office.

14. The United States is entitled to enforce its liens for taxes against the Property, to have the Property sold at a judicial sale free and clear of all rights, titles, claims, liens, and interests of the parties to this action, including any rights of redemption, and, after the payment

of the costs of sale and any real estate taxes due and payable under 26 U.S.C. § 6323(b)(6), to have an appropriate portion of the net proceeds applied toward the satisfaction of Robert L. Holsinger's tax liabilities described in paragraph 6 above.

WHEREFORE the Plaintiff United States of America requests that this Court:

A. Enter judgment in favor of the Plaintiff United States of America and against the Defendant Robert L. Holsinger in the amount of \$89,134.75, as of February 19, 2018, plus statutory additions from and after February 19, 2018, including interest pursuant to 26 U.S.C. §§ 6601, 6621, and 6622, and 28 U.S.C. § 1961(c) for the unpaid federal income taxes assessed against him.

B. Determine and adjudge that the United States of America has valid and subsisting federal tax liens on all property and rights to property belonging to the Defendant Robert L. Holsinger, including the Property;

C. Order that the federal tax liens for the liabilities of the Defendant Robert L. Holsinger be enforced, and that the Property may be sold by an officer of this Court, according to law, free and clear of all rights, titles, claims, liens, and interests of the parties to this action, including any right of redemption, with an appropriate portion of the net proceeds of the sale, after the payment of the direct costs of sale and any real estate taxes due and payable under 26 U.S.C. § 6323(b)(6), to be paid to the Plaintiff United States for application to the unpaid federal internal revenue tax liabilities of Robert L. Holsinger; and

D. Award the United States of America its costs in this action, and such other and further relief as the Court determines is just and proper.

DATED: February 20, 2018

RICHARD E. ZUCKERMAN  
Principal Deputy Assistant Attorney General  
Tax Division, U.S. Department of Justice

*/s/ Philip L. Bednar*  
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**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b>		<b>DEFENDANTS</b>	
<p><b>(b)</b> County of Residence of First Listed Plaintiff _____  <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p>		<p>County of Residence of First Listed Defendant _____  <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p>	
<p><b>(c)</b> Attorneys (<i>Firm Name, Address, and Telephone Number</i>)</p>		<p>Attorneys (<i>If Known</i>)</p>	
<b>II. BASIS OF JURISDICTION</b> ( <i>Place an "X" in One Box Only</i> )		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> ( <i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i> )	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>		<input type="checkbox"/> PTF <input type="checkbox"/> DEF Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>		<input type="checkbox"/> PTF <input type="checkbox"/> DEF Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5	
		<input type="checkbox"/> PTF <input type="checkbox"/> DEF Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6	
<b>IV. NATURE OF SUIT</b> ( <i>Place an "X" in One Box Only</i> )			
<a href="#">Click here for: Nature of Suit Code Descriptions.</a>			
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act
			<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions
<a href="#">Click here for: Nature of Suit Code Descriptions.</a>			
<b>V. ORIGIN</b> ( <i>Place an "X" in One Box Only</i> )			
<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court		<input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District ( <i>specify</i> ) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File	
<p>Cite the U.S. Civil Statute under which you are filing (<i>Do not cite jurisdictional statutes unless diversity</i>):</p>			
<b>VI. CAUSE OF ACTION</b> Brief description of cause:			
<b>VII. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		<b>DEMAND \$</b> CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>VIII. RELATED CASE(S) IF ANY</b> <i>(See instructions):</i>		JUDGE _____ DOCKET NUMBER _____	
DATE		SIGNATURE OF ATTORNEY OF RECORD	
<b>FOR OFFICE USE ONLY</b>			
RECEIPT #		AMOUNT	
		APPLYING IFP	
		JUDGE	
		MAG. JUDGE	

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.
  - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
  - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
  - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
  - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
  - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT  
for the

\_\_\_\_\_ District of \_\_\_\_\_

*Plaintiff(s)*

v.

Civil Action No.

*Defendant(s)*

**SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))**

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

- I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (*specify*): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT  
for the

\_\_\_\_\_ District of \_\_\_\_\_

*Plaintiff(s)*

v.

Civil Action No.

*Defendant(s)*

**SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))**

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

- I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (*specify*): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc: